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9 Attorney for Protestants Save the California Delta Alliance, et al.

10 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

11 **IN RE CALIFORNIA WATERFIX**
12 **CALIFORNIA DEPARTMENT OF**
13 **WATER RESOURCES AND U.S.**
14 **BUREAU OF RECLAMATION**
15 **PETITION FOR CHANGES IN**
16 **WATER RIGHTS, POINTS OF**
17 **DIVERSION/RE-DIVERSION**

18 **DELTA ALLIANCE'S REVISED WITNESS**
19 **LIST AND REQUEST FOR EXTRA TIME**

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Delta Alliance hereby provides its revised witness list. We have substituted witness Michael Guzzardo for witness Michael McCleery. The subject of testimony and length of time for this witness are unchanged. We have substituted Erik Ringelberg in the slot reserved for water quality testimony. The time and subject are unchanged. We have eliminated the last slot, reducing the number of witnesses and reducing overall time by 40 minutes. The changes from our previous NOI are highlighted in red.

We are requesting an additional 20 minutes for witness Michael Brodsky, bringing Brodsky’s total time to 80 minutes. We represent five parties in our petition and believe we would be entitled to a total of five hours. Our total time requested at this point is under 3 hours and is reduced by 20 minutes overall from our original witness list.

Mr. Brodsky will provide important testimony and has expertise in areas that are important to the Board’s consideration and likely will not be brought up by other witnesses. Mr. Brodsky will keep his testimony concise and to the point.

s/Michael A. Brodsky
Attorney for Protestants Save the California Delta Alliance, et al.
Dated: September 2, 2016

**First Amended
NOTICE OF INTENT TO APPEAR**

WITH REVISED WITNESS LIST

Save the California Delta Alliance; Janet McCleery; Michael McCleery; Frank Morgan; and Captain Morgan's Delta Adventures, LLC plan to participate in the water right hearing, and Michael A. Brodsky requests leave to participate in the water rights hearing regarding:

CALIFORNIA WATERFIX HEARING
California Department of Water Resources and U.S. Bureau of Reclamation
The Public Hearing scheduled to commence on Thursday, April 7, 2016

1) Check all that apply:

- I/we intend to participate in Part I of the hearing
- I/we intend to participate in Part II of the hearing

2) Check the applicable boxes below. Be sure to accurately describe your participation in the hearing. (Please refer to Enclosure D of the October 30, 2015 [Notice of Petition, Public Hearing, and Pre-Hearing Conference](#) (Hearing Notice) for descriptions of "parties" and "interested persons"):

- I/we intend to participate in the hearing as an interested person and present a policy statement only. Part I Part II
- I/we intend to participate in the hearing as a party by cross-examination and/or rebuttal only and may present an opening statement.
 Part I Part II
- Part I:** I/we plan to participate in Part I as a party and call the following witnesses to testify at the hearing. (Fill in the following table for Part I of the hearing only)

NAME	SUBJECT OF PROPOSED TESTIMONY (Please indicate Application Number if Appropriate)	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Michael Brodsky	Injury to human uses and legal users of water Discovery Bay. Requirements of Delta Reform Act; failure of WaterFix to comply. Inability of WaterFix to avoid injury due to single-focus solution in violation of Delta Reform Act. Injury to riparian priority rights.	From 60 to 80	Yes
Tom Burke	Injury to human uses and legal users of water Discovery Bay water quality impacts.	40	Yes
From Michael McCleery to Michael Guzardo	Injury to human uses and legal users of water Discovery Bay.	15	Yes
Janet McCleery	Injury to human uses and legal users of water Discovery Bay.	15	No
Frank Morgan	Injury to human uses and legal users of water Discovery Bay.	15	No
From TBD to Erik Ringelberg	Water quality analysis Discovery Bay; available mitigation measures.	40	Yes
TBD from TBD to eliminated	Water quality analysis Discovery Bay; circulation, temperature, invasive	40	Yes

	species, other impacts.		

(If more space is required, please add additional pages.)

- Part II:** I/we plan to participate in Part II as a party and will call witnesses to testify at the hearing. Please note that you will be required to submit a Supplemental Notice of Intent to Appear at a date to be determined for Part II of the hearing that lists your witnesses, subject of proposed testimony, etc.

3) Check if applicable:

- I/we have also protested the Petition in accordance with Water Code section 1703.2.

*Note: If have protested the Petition, you must also fill out sections 1 and 2 of this form above and indicate your intent to appear at the hearing to present evidence in support of your protest. If you do not resolve your protest with the petitioners prior to the hearing, and then do not present a case supporting your protest at the hearing, your protest will be dismissed. It is **not** necessary to file a protest to participate in the hearing.*

Continue to next page

4) Fill in the following information of the Participant, Party, Attorney, or Other Representative:

Name (Print): Michael A. Brodsky, Law Offices of Michael A. Brodsky, attorney for Protestants Janet McCleery; Michael McCleery, Frank Morgan; Captain Morgan’s Delta Adventures LLC; Save the California Delta Alliance; and Michael A. Brodsky.

Mailing

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Phone Number: 831-469-3514 Fax Number: 831-471-9705

E-mail: Michael@brodskylaw.net

Optional:

- I/we **decline** electronic service of hearing-related materials. If you are unable to accept electronic service for any reason, please contact the hearing team by Tuesday, January 5, 2016, at 916-319-0960 or by email at CWFhearing@waterboards.ca.gov.

Signature: _____ Date: March 16, 2016